

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0472.02 Kate Meyer x4348

SENATE BILL 17-037

SENATE SPONSORSHIP

Fenberg,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING DATA-GATHERING AT VOTER SERVICE AND POLLING**
102 **CENTERS IN CERTAIN COUNTIES DURING EACH GENERAL**
103 **ELECTION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

For any county with at least 25,000 active electors, the bill requires the county clerk and recorder to measure and report the amount of time it takes to vote at each voter service and polling center in a general election. The bill also directs the secretary of state to promulgate rules that provide for uniform data-gathering and reporting.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The state must make it a priority to continually evaluate the
5 state's election system in order to ensure it is accessible, efficient, and
6 secure;

7 (b) The majority of voters in Colorado now vote by mail-in ballot;
8 however, many voters still vote in person or utilize other services at voter
9 service and polling centers;

10 (c) Voters have experienced excessive wait times at voter service
11 and polling centers, especially in the final days and hours before polls
12 close on election day, and especially in larger counties;

13 (d) Long lines to vote may erode public confidence in the state's
14 election system and in the democratic process;

15 (e) A likely cause of excessive wait times is that voter arrival rates
16 fluctuate throughout the voting period while a county's election-related
17 resources, such as number of voting stations, check-in stations, and
18 available staff, remain uniform and are not adjusted to accommodate peak
19 arrival times;

20 (f) The allocation of resources for elections should be based on
21 data-driven decisions to ensure that resources are used efficiently to serve
22 the greatest number of voters possible; and

23 (g) There are cost-effective, accurate, and simple means of
24 measuring and recording voter wait time data such as tools developed by
25 the Caltech/MIT Voting Technology Project, and the collection of such
26 data over time will assist election administrators and legislators in

1 planning the allocation of resources for future elections.

2 (2) The general assembly therefore finds it necessary to require
3 data-gathering on voter arrival rates and wait times at voter service and
4 polling centers in more populous counties during general elections, but
5 to do so in a manner that provides maximum flexibility for those counties
6 and utilizes best practices for obtaining data.

7 **SECTION 2.** In Colorado Revised Statutes, 1-5-102.9, **add** (5)
8 as follows:

9 **1-5-102.9. Voter service and polling centers - number required**
10 **- services provided - drop-off locations - mandatory reports - rules.**

11 (5) (a) EACH COUNTY WITH AT LEAST TWENTY-FIVE THOUSAND ACTIVE
12 ELECTORS SHALL MEASURE THE FOLLOWING AT EACH OF ITS VOTER
13 SERVICE AND POLLING CENTERS DURING EACH GENERAL ELECTION AND
14 SHALL REPORT TO THE SECRETARY OF STATE THE RESULTS OF THOSE
15 MEASUREMENTS:

16 (I) THE WAIT TIME EITHER TO VOTE, IF VOTING IN A VOTING BOOTH
17 AT THE VOTER SERVICE AND POLLING CENTER, OR TO RECEIVE A BALLOT,
18 IF OBTAINING A BALLOT BUT VOTING ELSEWHERE, MEASURED FROM THE
19 TIME A PERSON ENTERS THE VOTER SERVICE AND POLLING CENTER OR THE
20 LINE OF A VOTER SERVICE AND POLLING CENTER TO THE TIME THAT THE
21 PERSON ENTERS A VOTING BOOTH OR RECEIVES A BALLOT, AS APPLICABLE;
22 AND

23 (II) THE ARRIVAL RATES FOR PERSONS VOTING IN PERSON OR
24 OBTAINING A BALLOT AT EACH VOTER SERVICE AND POLLING CENTER.

25 (b) THE MEASUREMENTS REQUIRED UNDER SUBSECTION (5)(a) OF
26 THIS SECTION MUST BE EXPRESSED IN TERMS OF AN AVERAGE AT LEAST BY
27 THE HOUR FOR EACH DAY THE VOTER SERVICE AND POLLING CENTER IS

1 OPEN, BUT NOTHING PROHIBITS A COUNTY FROM EXPRESSING THE
2 MEASUREMENTS IN AVERAGES OF SMALLER INCREMENTS OF TIME SUCH AS
3 THE HALF-HOUR OR QUARTER-HOUR. EACH COUNTY CLERK AND RECORDER
4 IN A COUNTY THAT IS SUBJECT TO THIS SUBSECTION (5) MUST GATHER AND
5 REPORT THE REQUISITE DATA FOR EACH INDIVIDUAL VOTER SERVICE AND
6 POLLING CENTER OPERATING IN THE COUNTY.

7 (c) THE SECRETARY OF STATE SHALL PROMULGATE RULES, IN
8 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, THAT SET FORTH MINIMUM
9 CRITERIA TO ACHIEVE ACCURATE AND STANDARDIZED VOTER SERVICE AND
10 POLLING CENTER VOTING WAIT TIME AND ELECTOR ARRIVAL RATE
11 MEASURING AND REPORTING. THE RULES MAY ALLOW COUNTIES TO
12 PROPOSE, VIA THEIR MAIL BALLOT PLANS, METHODS FOR MEASURING
13 VOTING WAIT TIMES AND ELECTOR ARRIVAL RATES IN A MANNER THAT IS
14 ADMINISTRATIVELY PRACTICABLE AND COST-EFFICIENT FOR EACH
15 COUNTY. THE RULES MAY ALSO SPECIFY A DEADLINE BY WHICH THE
16 REPORTS MUST BE RECEIVED; EXCEPT THAT THE DEADLINE MUST OCCUR
17 ON OR BEFORE THE END OF THE CALENDAR YEAR IN WHICH THE GENERAL
18 ELECTION WAS HELD. THE SECRETARY OF STATE SHALL STRIVE TO
19 INCORPORATE THE MOST CURRENT QUEUE MANAGEMENT METHODS AND
20 MEASURING PRACTICES INTO THE RULES ADOPTED UNDER THIS
21 SUBSECTION (5)(c).

22 **SECTION 3. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly (August 9, 2017, if adjournment sine die is on May 10,
26 2017); except that, if a referendum petition is filed pursuant to section 1
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2018 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

5 (2) This act applies to elections conducted on or after November
6 1, 2018.